

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JOHNSON W. GREYBUFFALO,

Plaintiff,

v.

Case No. 15-cv-8-bbc

JON LITSCHER, et al.,

Defendants.

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**STIPULATION FOR PARTIAL DISMISSAL**

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The Court issued an opinion and order on defendants' motion for summary judgment on April 15, 2016, (ECF No. 70), and an opinion and order on plaintiff's motion for reconsideration on May 25, 2016, (ECF No. 76), concluding that plaintiff is entitled to proceed on his claims that defendants Jon Litscher, Gary Boughton and Kelli Willard West are violating plaintiff's rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA) and the free exercise clause by denying his requests for:

1. devotional services for the Native American Church (ECF No. 70);
2. group use of a water drum (ECF No. 70); and
3. a separate sweat lodge ceremony for the Native American Church (ECF No. 76).

On September 2, 2016, the court issued an order canceling the September 7, 2016, trial in this matter and directing the parties to file a stipulation with respect to resolution of all or some of the claims in this case. (ECF No. 103.)

The plaintiff, Johnson W. Greybuffalo, and the defendants, Jon Litscher, Kelli Willard-West, and Gary Boughton, hereby stipulate and agree to the below terms and to the Court entering an order dismissing claims 1 and 2 with prejudice and without costs to either party:

1. The plaintiff may donate money toward the purchase of the previously agreed upon waterdrum. (See Attachment 1.) Consistent with DAI 309.61.02, and other Division of Adult Institutions (DAI) policies and facility procedures, the waterdrum will become property of the Wisconsin Secure Program Facility (WSPF) for use during Native American/American Indian Umbrella Religion Group (URG) congregate religious services and studies.

2. Facilities will process application(s) from Native American Church volunteer spiritual leader(s) identified by the plaintiff per DAI Policy #309.06.03. Consistent with approved volunteers representing other URGs, approved Native American Church volunteer spiritual leader(s) will be scheduled for URG programming (Religious Services and Study Groups) based upon their availability, facility resources and sufficient inmate interest/participation.

3. DAI Policy #309.61.01, II.B, provides opportunities for inmates to practice their religious faith through congregate URG Study Groups. Based upon sufficient inmate interest/participation and as resources permit, facilities may hold URG Study Groups addressing distinct sub-group religious beliefs and practices, such as Native American Church adherents. The plaintiff's current facility (WSPF)

agrees to schedule such URG Study Group sessions twice monthly, subject to availability of an approved Native American Church volunteer spiritual leader.

4. The plaintiff's claim that defendants are denying plaintiff's request to hold devotional services for the Native American Church, in violation of RLUIPA and the free exercise clause, may be dismissed with prejudice and without costs to either party.

5. The plaintiff's claim that defendants are refusing to allow plaintiff to use a water drum during sweat lodge ceremonies, in violation of RLUIPA and the free exercise clause, may be dismissed with prejudice and without costs to either party.

6. The Court may enter an order to this effect without further pleading, notice, or appearance by the parties.

Dated this 8th day of September, 2016.

On behalf of the Plaintiff:

s/ Johnson W. Greybuffalo  
Johnson W. Greybuffalo  
*Pro se Plaintiff*

Dated this 9th day of September, 2016.

On behalf of the Defendants:

s/ Rachel L. Bachhuber  
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